

S. 1150

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1177

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1177, a bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land subject to conservation reserve contracts for recovery of biomass used in energy production.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Maine (Ms. SNOWE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2000BOXER (AND OTHERS)
AMENDMENT NO. 541

Mrs. BOXER (for herself, Mr. HARKIN, Mr. WYDEN, and Mr. FEINGOLD) proposed an amendment to the bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike section 8106, and insert the following:

SEC. 8106. Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the inventory and status of operational support aircraft, Commander-in-Chief support aircraft, and command support aircraft of the Department of Defense. The report shall include a detailed discussion of the requirements for such aircraft, the fore-

seeable future requirements for such aircraft, the cost of leasing such aircraft, commercial alternatives to use of such aircraft, the cost of maintaining the aircraft, the capability and appropriateness of the aircraft to fulfill mission requirements, and the relevancy of the missions of the aircraft to warfighting requirements.

STEVENS AMENDMENT NO. 542

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to any funds appropriated elsewhere in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", \$9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element."

STEVENS AMENDMENT NO. 543

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, And Evaluation, Navy", is hereby reduced by \$26,840,000 and the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, And Evaluation, Defense-Wide", is hereby increased by \$51,840,000 to reflect the transfer of the Joint Warfighting Experimentation program: provided, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the Congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

STEVENS AMENDMENT NO. 544

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, that the Secretary of Defense shall make a grant in the amount of \$23,000,000 to the American Red Cross for Armed Forces Emergency Services.

STEVENS AMENDMENT NO. 545

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . In addition to the funds available in Title III, \$10,000,000 is hereby appropriated for U-2 cockpit modifications.

Y2K ACT

DOMENICI AMENDMENT NO. 546

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

At the appropriate place, insert the following:

SEC. ____ WAIVER OF SOVEREIGN IMMUNITY FOR
A Y2K ACTION.

(a) IN GENERAL.—Consent is given to join the United States as a necessary party defendant in a Y2K action.

(b) JURISDICTION AND REVIEW.—The United States, when a party to any Y2K action—

(1) shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty;

(2) shall be subject to judgments, orders, and decrees of the court having jurisdiction; and

(3) may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances.

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2000BIDEN (AND OTHERS) AMENDMENT
NO. 547

Mr. INOUE (for Mr. BIDEN (for himself, Mr. SCHUMER, and Mr. EDWARDS)) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", \$63,041,000 shall be available for C-5 aircraft modernization.

GREGG AMENDMENT NO. 548

Mr. GREGG proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ____ PROHIBITION ON USE OF REFUGEE
RELIEF FUNDS FOR LONG-TERM RE-
GIONAL DEVELOPMENT OR RECON-
STRUCTION IN SOUTHEASTERN EU-
ROPE.

None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31) for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

BYRD AMENDMENTS NOS. 549-450

Mr. BYRD proposed two amendments to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 549

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, \$10,000,000 shall be available for carrying out

the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

AMENDMENT NO. 550

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", \$51,250,000 shall be available for the Information System Security Program, of which \$10,000,000 shall be available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

NICKLES AMENDMENT NO. 551

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

None of the funds appropriated or otherwise made available by this or any other act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

INHOFE AMENDMENT NO. 552

Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill, S. 1122, supra; as follows:

SEC. . The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64 Longbow helicopter. The operational test is to be completed utilizing funds provided for in this bill in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105-262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the Defense Oversight Committees, no later than March 31, 2000.

MACK AMENDMENTS NOS. 553-555

Mr. STEVENS (for Mr. MACK) proposed three amendments to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 553

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOP-

MENT, TEST, AND EVALUATION, AIR FORCE", up to \$6,000,000 may be made available for the 3-D advanced track acquisition and imaging system.

AMENDMENT NO. 554

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be made available for electronic propulsion systems.

AMENDMENT NO. 555

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title IV under the heading "Counter-Drug Activities, Defense", up to \$5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

BURNS AMENDMENT NO. 556

Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill, S. 1122, supra; as follows:

Insert at the appropriate place in the bill the following:

"SEC. . Of the funds made available under the heading "Research, Development, Test, and Evaluation, Army"; up to \$6,000,000 may be provided to the U.S. Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems."

MCCONNELL AMENDMENT NO. 557

Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$13,000,000 may be available for depot overhaul of the MK-45 weapon system, and up to \$19,000,000 may be available for depot overhaul of the Close In Weapon System.

STEVENS AMENDMENT NO. 558

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. . Of the funds appropriated in Title IV under the heading "Research, Development, Test, And Evaluation, Army", up to \$1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

BENNETT AMENDMENT NO. 559

Mr. STEVENS (for Mr. BENNETT) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill insert the following new general provisions:

SEC. . Of the funds provided under Title IV of this Act under Research, Development, Test and Evaluation, Air Force', up to \$1,000,000 may be made available only for alternative missile engine source development.

HOLLINGS AMENDMENT NO. 560

Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "Research, Development, Test, and Evaluation, Army", up to \$3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

REID AMENDMENT NO. 561

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 1122, supra; as follow:

In the appropriate place in the bill, insert the following new section:

"SEC. . Of the funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to \$4,500,000 may be made available for a hot gas decontamination facility.

LIEBERMAN AMENDMENT NO. 562

Mr. STEVENS (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "Defense Health Program", up to \$2,000,000 may be made available to support the establishment of a DOD Center for Medical Informatics.

REID AMENDMENT NO. 563

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "PROCUREMENT, MARINE CORPS", up to \$2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

KERREY AMENDMENT NO. 564

Mr. STEVENS (for Mr. KERREY) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds made available under the heading "Research, Development, Test and Evaluation, Army", up to \$2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

LAUTENBERG AMENDMENT NO. 565

Mr. STEVENS (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne

Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E-350, manufactured 1992.

(5) Ford E-302, manufactured 1990.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

BIDEN AMENDMENT NO. 566

Mr. STEVENS (for Mr. BIDEN) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

DOMENICI AMENDMENTS NOS. 567-568

Mr. STEVENS (for Mr. DOMENICI) proposed two amendments to the bill S. 1122, supra; as follows:

AMENDMENT NO. 567

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for Information Warfare Vulnerability Analysis.

AMENDMENT NO. 568

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$7,500,000 may be made available for GEO High Resolution Space Object Imaging Program.

WYDEN (AND SMITH) AMENDMENT NO. 569

Mr. STEVENS (for Mr. WYDEN (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

STEVENS AMENDMENT NO. 570

Mr. STEVENS proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act for the Defense Advanced Research Projects Agency under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to \$20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

LEAHY AMENDMENT NO. 571

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 1122, supra; as follows:

On line 22, page 97, insert the following:

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SHELBY AMENDMENT NO. 572

Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . From within the funds provided for the Defense Acquisition University, up to \$5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated government procurement environment.

INOUE AMENDMENT NO. 573

Mr. STEVENS (for Mr. INOUE) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

HUTCHISON (AND GRAMM) AMENDMENT NO. 574

Mr. STEVENS (for Mrs. HUTCHISON (for herself and Mr. GRAMM)) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) **PROPERTY DISPOSAL.**—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) **LEASEBACK OF PROPERTY LEASED OR DISPOSED.**—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of Defense determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) **CONSIDERATION.**—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange

for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) **PROJECT FUND.**—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

(i) **FEDERAL AGENCIES.**—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) **ACQUISITION OF INTERESTS IN REAL PROPERTY.**—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) **REPORTS TO CONGRESS.**—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) **LIMITATION.**—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) **EXPIRATION OF AUTHORITY.**—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) **DEFINITIONS.**—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

GORTON AMENDMENT NO. 575

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 1122, *supra*; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$4,000,000 shall be made available for the Advanced Integrated Helmet System Program.

LOTT AMENDMENT NO. 576

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 1122, *supra*; as follows:

At the appropriate place, insert:

Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this act which addresses the following issues:

1. A review and evaluation of the operational planning and other preparations of the U.S. Defense Department, including but not limited to the U.S. Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

2. A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

3. A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

DOMENICI AMENDMENT NO. 577

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, *supra*; as follows:

On page 106, line 4, strike "The Communications Act" and insert "(a) The Communications Act of 1934".

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and

deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

ROBERTS AMENDMENT NO. 578

Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill, S. 1122, *supra*; as follows:

At the end of the general provisions, add the following:

SEC. 8109. EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998 AND INDIA-PAKISTAN RELIEF ACT OF 1998.

(a) EXTENSION OF AGRICULTURE EXPORT RELIEF ACT OF 1998.—Section 2 of the Agriculture Export Relief Act of 1998 (Public Law 105-194; 112 Stat. 627) is amended by striking "September 30, 1999" each place it appears and inserting "September 30, 2002".

(b) EXTENSION OF INDIA-PAKISTAN RELIEF ACT OF 1998.—

(1) IN GENERAL.—Section 902(a) of the India-Pakistan Relief Act of 1998 (22 U.S.C. 2799aa-1 note) is amended by striking "for a period not to exceed one year upon enactment of this Act" and inserting "for a period not to exceed September 30, 2002".

(2) REPORT.—Section 904 of such Act is amended by striking "a one-year period described in section 902" and inserting "the first year following the date of enactment of this Act and annually thereafter".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of enactment of this Act or September 30, 1999.

DURBIN AMENDMENT NO. 579

Mr. INOUE (for Mr. DURBIN) proposed an amendment to the bill, S. 1122, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . (a)(1) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois. Unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 573).

(2) The land referred to in paragraph (1) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

BINGAMAN AMENDMENT NO. 580

Mr. INOUE (for Mr. BINGAMAN) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the testing of weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough and independent investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a re-examination of the adequacy of the measures that are in place to protect the civilian population during such testing and of the extent to which the civilian population at the site can be adequately protected during such testing;

(2) the President should not authorize the Navy to resume live ammunition testing on the Island of Vieques, Puerto Rico, unless and until he has advised the Committees on Armed Services of the Senate and the House of Representatives that—

(A) there is not available an alternative testing site with no civilian population located in close proximity;

(B) the national security of the United States requires that the testing be carried out despite the potential risks to the civilian population;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the testing; and

(D) in the event that testing resumes, measures are to be taken to protect the Island of Vieques and the surrounding area from environmental degradation, including possible environmental harm, that might result from the testing of ammunition containing radioactive materials; and

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the President should advise the Governor of Puerto Rico of those findings and, if the President decides to resume live-ammunition weapons testing on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being

taken from time to time to protect civilians from harm from the testing.

INOUE AMENDMENT NO. 581

Mr. INOUE proposed an amendment to the bill S. 1122, *supra*; as follows:

At the appropriate place, insert:

SECTION 1. FEDERAL HEALTH CARE PARTNERSHIP.

SEC. . (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and Federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by Federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of these sections, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii".

KENNEDY AMENDMENT NO. 582

Mr. INOUE (for Mr. KENNEDY) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the appropriate place in the bill, insert the following:

Of the funds appropriated in title III, Procurement, under the heading "MISSILE PROCUREMENT, ARMY", up to \$35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

LEVIN AMENDMENT NO. 583

Mr. INOUE (for Mr. LEVIN) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in Title IV of this act under Research, Development, Test, and Evaluation, Defense-Wide, is hereby reduced by \$200,000,000: *Provided*, That not more than \$836,555,000 of the funds provided under this Act may be obligated for National Missile Defense programs: *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Aircraft Procurement, Army is hereby increased by \$56,100,000 for re-engining of the CH-47 helicopter, *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Missile Procurement, Army is hereby increased by \$98,400,000 for advance procurement of the Javelin missile; *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Procurement of Weapons and Tracked Combat Vehicles, Army is hereby

increased by \$20,000,000 for procurement of the Field Artillery Ammunition Supply Vehicle, *Provided further*, That notwithstanding any other provision in this Act, the total amount appropriated in this Act for Other Procurement, Army is hereby increased by \$25,500,000 for procurement of SINCGARS radios.

MCCAIN AMENDMENTS NOS. 584-585

Mr. STEVENS (for Mr. MCCAIN) proposed two amendments to the bill S. 1122, *supra*; as follows:

AMENDMENT NO. 584

Strike section 8108, and insert the following:

SEC. 8108. Notwithstanding any other provision of this Act, the total amount appropriated in this Act by titles III, IV, and VI is hereby reduced by \$3,100,000,000, the reductions to be derived from appropriations as follows:

(1) From Operation and Maintenance, Army, \$27,000,000.

(2) From Operation and Maintenance, Navy, \$36,000,000.

(3) From Operation and Maintenance, Marine Corps, \$10,200,000.

(4) From Operation and Maintenance, Air Force, \$61,800,000.

(5) From Operation and Maintenance, Defense-Wide, \$78,900,000.

(6) From Operation and Maintenance, Army National Guard, \$53,500,000.

(7) From Operation and Maintenance, Air National Guard, \$2,900,000.

(8) From Aircraft Procurement, Army, \$178,000,000.

(9) From Procurement of Weapons and Tracked Combat Vehicles, Army, \$26,400,000.

(10) From Procurement of Ammunition, Army, \$37,500,000.

(11) From Other Procurement, Army, \$135,500,000.

(12) From Aircraft Procurement, Navy, \$69,000,000.

(13) From Weapons Procurement, Navy, \$54,400,000.

(14) From Shipbuilding and Conversion, Navy, \$317,500,000.

(15) From Other Procurement, Navy, \$67,800,000.

(16) From Procurement, Marine Corps, \$54,900,000.

(17) From Aircraft Procurement, Air Force, \$164,500,000.

(18) From Missile Procurement, Air Force, \$25,400,000.

(19) From Procurement of Ammunition, Air Force, \$5,100,000.

(20) From Other Procurement, Air Force, \$53,400,000.

(21) From Procurement, Defense-Wide, \$73,000,000.

(22) From National Guard and Reserve Equipment, \$190,500,000.

(23) From Research, Development, Test, and Evaluation, Army, \$249,100,000.

(24) From Research, Development, Test, and Evaluation, Navy, \$288,700,000.

(25) From Research, Development, Test, and Evaluation, Air Force, \$263,300,000.

(26) From Research, Development, Test, and Evaluation, Defense-Wide, \$287,900,000.

(27) From Defense Health Program, \$226,200,000.

(28) From Drug Interdiction and Counter-Drug Activities, Defense, \$61,600,000.

AMENDMENT NO. 585

At the end of the general provisions, add the following:

SEC. 8109. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content re-

quirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102-396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footwear, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SHELBY AMENDMENT NO. 586

Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill S. 1122, *supra*; as follows:

In Title IV, under Research, Development, Test, and Evaluation, Army, add the following:

"Of the funds appropriated for research, development, test and evaluation Army, up to \$10 million may be utilized for Army Space Control Technology."

**BOND (AND ASHCROFT)
AMENDMENT NO. 587**

Mr. STEVENS (for Mr. BOND (for himself and Mr. DOMENICI)) proposed an amendment to the bill, S. 1122, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to funds appropriated elsewhere in this Act, the amount appropriated in Title III of this Act under the heading "Aircraft Procurement, Air Force" is hereby increased by \$220,000,000 only to procure four (4) F-15E aircraft; *Provided*, that the amount provided in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by \$50,000,000 to reduce the total amount available for National Missile Defense; *Provided further*, that the amount provided in Title III of this Act under the heading "National Guard and Reserve Equipment" is hereby reduced by \$50,000,000 on a pro-rata basis; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft Procurement, Air Force" is hereby reduced by \$70,000,000 to reduce the total amount available for Spares and Repair Parts; *Provided further*, that the amount provided in Title III of this Act under the heading "Aircraft Procurement, Navy" is hereby reduced by \$50,000,000 to reduce the total amount available for Spares and Repair Parts."

KOHL AMENDMENT NO. 588

Mr. STEVENS (for Mr. KOHL) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. (a) Of the amounts appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

**LOTT (AND COCHRAN)
AMENDMENT NO. 589**

Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill S.1122, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the total amount appropriated in this Act for RESEARCH DEVELOPMENT TEST AND EVALUATION, NAVY shall be increased by \$3,800,000 to continue research and development on polymer cased ammunition.

GRAHAM AMENDMENT NO. 590

Mr. STEVENS (for Mr. GRAHAM) proposed an amendment to the bill S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), \$7,300,000 shall be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

VOINOVICH AMENDMENT NO. 591

Mr. STEVENS (for Mr. VOINOVICH) proposed an amendment to the bill S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds appropriated in this Act under the heading "Operation and Maintenance, Army", up to \$500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Tousey River.

**SANTORUM (AND OTHERS)
AMENDMENT NO. 592**

STEVENS (for Mr. SANTORUM (for himself, Mr. BOND, and Mr. SPECTER)) proposed an amendment to the bill S. 1122, supra; as follows:

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to \$4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

HELMS AMENDMENT NO. 593

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for visual display performance and visual display environmental research and development.

BYRD AMENDMENTS NOS. 594-595

Mr. STEVENS (for Mr. BYRD) proposed an amendment to the bill, S. 1122, supra; as follows:

AMENDMENT NO. 594

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", \$51,250,000 shall be available for the

Information System Security Program, of which up to \$10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

AMENDMENT NO. 595

On page 107, between lines 12 and 13, insert the following:

SEC. 8109. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to \$10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

**ASHCROFT (AND BOND)
AMENDMENT NO. 596**

Mr. STEVENS (for Mr. ASHCROFT (for himself and Mr. BOND)) proposed an amendment to the bill, S. 1122, supra; as follows:

At the end of the general provisions, add the following:

SEC. 8109. (a) Congress makes the following findings:

(1) The B-2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B-2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, "long range air power is an increasingly important element of United States military capability".

(4) The crews of the B-2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B-2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B-2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B-2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SMITH AMENDMENT NO. 597

Mr. STEVENS (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 1122, *supra*; as follows:

In the appropriate page in the bill, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "Aircraft Procurement, Air Force," up to \$10,000,000 may be made available for U-2 aircraft defensive system modernization.

HARKIN AMENDMENT NO. 598

Mr. STEVENS (for Mr. HARKIN) proposed an amendment to the bill S. 1122 *supra*; as follows:

At the appropriate place in the bill insert the following:

SEC. 8104. Of the amount appropriated in title IV under the heading "RESEARCH DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", \$25,185,000 shall be available for research and development relating to Persian Gulf illnesses, of which \$4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to \$2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

GRAHAM AMENDMENT NO. 599

Mr. STEVENS (for Mr. GRAHAM) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8109. Of the total amount appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$17,500,000 may be made available for procurement of the F-15A/B data link for the Air National Guard.

COLLINS AMENDMENT NO. 600

Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title III under the heading "WEAPONS PROCUREMENT, NAVY", up to \$3,000,000 may be made available for the MK-43 Machine Gun Conversion Program.

INOUE AMENDMENT NO. 601

Mr. SPECTER (for Mr. INOUE) proposed an amendment to the bill S. 1122, *supra*; as follows:

At the appropriate place in the bill, insert:

SEC. . DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such other terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To the extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.”; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.”.

(m) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term “property support service” means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

BROWNBACK AMENDMENT NO. 602

Mr. STEVENS (for Mr. BROWNBACK) proposed an amendment to amendment No. 578 proposed by Mr. ROBERTS to the bill, S. 1122, *supra*; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

TITLE—SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 1. SUSPENSION OF SANCTIONS.

(a) IN GENERAL.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) SPECIAL RULE FOR COMMERCIAL EXPORTS OF DUAL-USE ARTICLES AND TECHNOLOGY.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) NATIONAL SECURITY INTERESTS WAIVER OF SANCTIONS.—

(1) IN GENERAL.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to

Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) The broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interest of the United States and that this control list requires refinement.

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) CONGRESSIONAL NOTIFICATION.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) RENEWAL OF SUSPENSION.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) RESTRICTION.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 2. REPEALS.

The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105-277).

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

BIDEN AMENDMENT NO. 603

Mr. STEVENS (for Mr. BIDEN) proposed an amendment to the bill, S. 1122, *supra*; as follows:

In amendment No. 547, on page 1, line 5, strike “shall” and insert “may”.

DOMENICI AMENDMENT NO. 604

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, *supra*; as follows:

On page 106, line 4, strike “The Communications Act” and insert “(a) The Communications Act of 1934”.

On page 107, between lines 4 and 5, insert the following:

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

**COVERDELL (AND KERREY)
AMENDMENT NO. 605**

Mr. STEVENS (for Mr. COVERDELL, for himself and Mr. KERREY), proposed an amendment to the bill, S. 1122, *supra*; as follows:

At the appropriate place, insert:

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) An FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) The Senate in S. Res. 273 in the 104th Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) The FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) Once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

DOMENICI AMENDMENT NO. 606

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 1122, *supra*; as follows:

On page 102, between lines 12 and 13, insert the following:

**TITLE IX—MCGREGOR RANGE LAND
WITHDRAWAL**

SEC. 901. SHORT TITLE.

This title may be cited as the "McGregor Range Withdrawal Act".

SEC. 902. DEFINITIONS.

In this title:

(1) The term "Materials Act" means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601-604).

(2) The term "management plan" means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9005(e).

(3) The term "withdrawn lands" means the lands described in subsection (d) of section 9003 that are withdrawn and reserved under section 9003.

(4) The term "withdrawal period" means the period specified in section 9007(a).

**SEC. 9003. WITHDRAWAL AND RESERVATION OF
LANDS AT MCGREGOR RANGE, NEW
MEXICO.**

(a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands at McGregor

Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) LAND DESCRIPTION.—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Land Withdrawal-Proposed," dated January ____, 1999, and filed in accordance with section 9004.

SEC. 9004. MAPS AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description shall have the same force and effect as if they were included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY.—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9005. MANAGEMENT OF WITHDRAWN LANDS.

(a) GENERAL MANAGEMENT AUTHORITY.—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this title and the management plan prepared under subsection (e), for the military purposes specified in section 9003(c).

(b) ACCESS RESTRICTIONS.—

(1) AUTHORITY TO CLOSE.—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) REQUIREMENTS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of McGregor Range in accordance with Public Law 85-337 (commonly known as the Engle Act; 43 U.S.C. 155-158).

(2) MANAGEMENT OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposi-

tion under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) HUNTING, FISHING, AND TRAPPING.—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) MANAGEMENT PLAN.—

(1) REQUIRED.—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management plan for the lands withdrawn under this title for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) CONTENT.—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9003(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) FIRE SUPPRESSION ASSISTANCE.—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9006 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9006. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this title and the management plan.

(b) DURATION.—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

**SEC. 9007. TERMINATION OF WITHDRAWAL AND
RESERVATION; EXTENSION.**

(a) TERMINATION DATE.—The withdrawal and reservation made by this title shall terminate 50 years after the date of enactment of this Act.

(b) REQUIREMENTS FOR EXTENSION.—

(1) NOTICE OF CONTINUED MILITARY NEED.—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) APPLICATION FOR EXTENSION.—If the Secretary of the Army determines that there

will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this title. The application shall be filed with the Department of the Interior not later than four years before the end of the withdrawal period.

(c) **LIMITATION ON EXTENSION.**—The withdrawal and reservation made by this title may not be extended or renewed except by Act or joint resolution.

SEC. 9008. RELINQUISHMENT OF WITHDRAWN LANDS.

(a) **FILING OF RELINQUISHMENT NOTICE.**—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) **DETERMINATION OF PRESENCE OF CONTAMINATION.**—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) **DECONTAMINATION AND REMEDIATION.**—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) **DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.**—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) **AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.**—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) **STATUS OF CONTAMINATED LANDS.**—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquish-

ment or, if at the expiration of the withdrawal made under this title, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) **SUBSEQUENT DECONTAMINATION OR REMEDIATION.**—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) **REVOCATION AUTHORITY.**—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this title as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9009. DELEGATIONS OF AUTHORITY.

(a) **SECRETARY OF THE ARMY.**—The functions of the Secretary of the Army under this title may be delegated.

(b) **SECRETARY OF THE INTERIOR.**—The functions of the Secretary of the Interior under this title may be delegated, except that an order under section 9008(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

**STEVENS (AND DOMENICI)
AMENDMENT NO. 607**

Mr. STEVENS (for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1122, supra; as follows:

At the appropriate place in the bill, add the following:

**TITLE —RENEWAL OF MILITARY LAND
WITHDRAWALS**

SEC. 01. SHORT TITLE.

This title may be cited as the Military Lands Withdrawal Renewal Act of 1999.

SEC. 02. WITHDRAWALS.

(a) **MCGREGOR RANGE.**—(1) Subject to valid existing rights and except as otherwise provided in this title, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 2904(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) **FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.**—(1) Subject to valid existing rights and except as otherwise provided in this title, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 2904(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled "Fort Greely Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled "Fort Greely, Air Drop Zone Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) **FORT WAINWRIGHT MANEUVER AREA.**—(1) Subject to valid existing rights and except as otherwise provided in this title, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 2904(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on the map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 03. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this title; and

(2) file maps and the legal description of the lands withdrawn by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.

(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 04. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1)(A) The Secretary of the Interior shall manage the lands withdrawn by this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this title. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this title may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this title, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such

lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this title.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this title as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 2902) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this title if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this title may be used for defense-related uses other than those specified in the applicable provision of sec-

tion 2902. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this title.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 2902.

(B) Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this title when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this title.

SEC. 06. LAND MANAGEMENT ANALYSIS.

(a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, any every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this title conforms to the requirements of laws applicable to the management of such lands, including this title.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed \$900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this title that such Secretary considers appropriate.

SEC. 07. ONGOING ENVIRONMENTAL RESTORATION.

(a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this title in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this title. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 08. RELINQUISHMENT.

(a) AUTHORITY.—The Secretary of the military department concerned may relinquish

all or any of the lands withdrawn by this title to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this title under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept ju-

risdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this title as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 2902(c) or 2902(d) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be consider vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 09. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 2908(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 10. WATER RIGHTS.

Nothing in this title shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 2902. No provision of this title shall be construed as authorizing the appropriation of water on lands described in section 2902 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 2902 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 11. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 12. MINING AND MINERAL LEASING.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (b), (c), and (d) of section 2902 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 2902.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 2902 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this title, mining claims located pursuant to this title shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this title, this title shall prevail.

(2) All mining claims located under the terms of this title shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this title for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 13. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 2902.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Home Health Care: Will the New Payment System & Regulatory Overkill Hurt Our Seniors?" This Subcommittee hearing will focus on how the new Medicare Interim Payment System and new regulatory requirements from the Health Care Financing Administration may limit the access of beneficiaries most in need of home health services.

The hearing will take place on Thursday, June 10, 1999, at 2:00 p.m., in Room